

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

JANE DOE, an individual,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO: 4:18-CV-00072-JVB-JEM
)	
PURDUE UNIVERSITY, a public entity,)	
And LANCE DUERFAHRD, an)	
Individual,)	
)	
Defendants.)	

**DEFENDANT THE TRUSTEES OF PURDUE UNIVERSITY’S
CERTIFICATION OF ITS GOOD-FAITH ATTEMPTS TO CONFER**

Pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure and Local Rule 37-1(a) of the United States District Court for the Northern District of Indiana, Defendant The Trustees of Purdue University (“Purdue”) certifies as follows:

1. The undersigned has attempted to confer in good faith with Plaintiff’s counsel in an effort to resolve the issues presented in Purdue’s Motion for Protective Order Limiting Deposition Discovery without court action.

2. On November 13, 2019, the undersigned communicated via email to Plaintiff’s attorneys John Kristensen, S. Amanda Marshall, and Mario Massillamany. The undersigned stated that more than 50 witnesses had been identified through pleadings, initial disclosures, and discovery responses and requested a list of probable testifying witnesses from plaintiff. A copy of this email is attached to this Certification as **Exhibit A-1**.

3. On January 20, 2020, the undersigned communicated via telephone with Plaintiff’s attorney Jon Norinsberg regarding, among other things, Plaintiff’s plans for deposition discovery. Attorney Norinsberg advised that, by the end of January, he would provide a list of

Exhibit A

approximately ten witnesses whose testimony would be used by Plaintiff in dispositive motions practice or at trial. Between January 22 and January 28, counsel exchanged emails regarding the contemplated contraction of Plaintiff's witness list. A copy of this email chain is attached to this Certification as **Exhibit A-2**.

4. On February 11, the undersigned communicated via email to Attorney Norinsberg advising that Purdue intended to file a motion under Fed. R. Civ. P. 26(c) seeking to limit the scope of discovery to a degree substantially similar to that requested in the Purdue's Motion for Protective Order Limiting Discovery. A copy of this email is attached to this Certification as **Exhibit A-3**.

9. On February 18, via letter to the undersigned, Attorney Norinsberg expressed his disagreement with the scope of discovery contemplated in the February 11 email from the undersigned. Attorney Norinsberg's position relied primarily on *Doe v. Blackburn Coll.*, No. 06-3205, 2012 U.S. Dist. LEXIS 24797 (C.D. Ill. Feb. 24, 2012). A copy of Attorney Norinsberg's February 18 letter is attached to this Certification as **Exhibit A-4**.

10. On February 19, the undersigned emailed Attorney Norinsberg inquiring as to what discoverable evidence or proposed deponent's testimony would be directed to the appropriate inquiry under *Blackburn*. A copy of this email is attached to this Certification as **Exhibit A-5**.

11. On February 20, Attorney Norinsberg emailed the undersigned disclosing the same deponent names that would later be included in Plaintiff's reply brief (ECF No. 85). A copy of that email is attached to this Certification as **Exhibit A-6**.

12. On February 27, Attorney Norinsberg served Plaintiff's supplemental Rule 26(a) disclosures, listing a total of thirty-two witnesses. A copy of that letter is attached to this Certification as **Exhibit A-7**.

13. Between February 27 and March 1, the undersigned and Attorney Norinsberg exchanged emails regarding Purdue's contemplated motion under Rule 26(c). Attorney Norinsberg told Purdue to "please go ahead and make your motion under Rule 26 (C) (*sic*), and we will respond accordingly. We look forward to litigating this issue with you." A copy of that email chain is attached to this Certification as **Exhibit A-8**.

/s/William P. Kealey

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***Attorneys for Defendant
The Trustees of Purdue University***